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BOX PATENT NO 24702

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Wolfram STEINHILBER, et al.

Serial No. 09/889,348

Filed: July 17, 2001

For: **RECOMBINANT SP-A FOR THE TREATMENT OR PREVENTION OF PULMONARY INFECTION AND INFLAMMATION**

INFORMATION DISCLOSURE STATEMENT

Commissioner of Patents  
Washington, D.C. 20231

Sir:

Pursuant to Applicant's duty of disclosure under 37 C.F.R. §§1.56 and 1.97-1.99, the documents listed on the attached Form PTO-1449 are being brought to the attention of the Examiner in charge of the above-identified application. No fee is required for this submission because it is submitted before the mailing date of a first Office Action on the merits.

Copies of the documents are attached herewith with a completed Form PTO-1449. The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449

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Docket No. 24702

with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

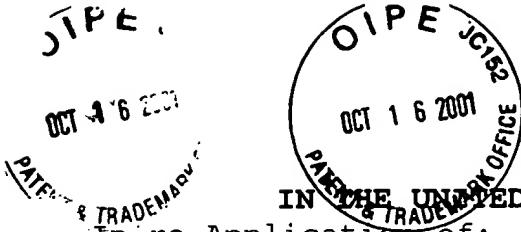
Respectfully submitted,

**NATH & ASSOCIATES PLLC**

Date: October 16, 2001

  
\_\_\_\_\_  
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BOX PATENT  
Attorney Docket No 24702

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In re Application of:

Wolfram STEINHILBER, et al.

Serial No. 09/889,348

Filed: July 17, 2001

For: RECOMBINANT SP-A FOR THE TREATMENT OR PREVENTION OF PULMONARY INFECTION AND INFLAMMATION

**INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER**

Commissioner of Patents  
Washington, D.C. 20231

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. §1.97-1.98. Please note the following particulars:

[NOTE: One only of items a, b, c, and d must be checked.]

a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. §1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.

b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. §1.113, or a notice of allowance under 37 C.F.R. §1.311.

The enclosed statement is accompanied by [check one]:

i. a certification in part (e) below as specified in 37 C.F.R. §1.97(e), or  
 ii. a check in the amount of \$180.00 required by 37 C.F.R. §1.17(p).

c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. §1.113, or a notice of allowance under 37 C.F.R. §1.311, but before payment of the issue fee.

d. The enclosed statement is being filed pursuant to 37 C.F.R. §1.97(i), for placement in the file.

e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]

I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign

application not more than three months prior to the filing of this statement,

or

[ ] I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

or

[ ] Appropriate certification is attached.

[ X ] f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112. A duplicate of this sheet is enclosed.

Copies of the documents are attached herewith with a completed Form PTO-1449. The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

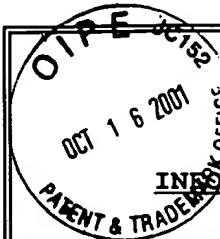
If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

By: Gary M. Nath

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## FORM PTO-1449

## INFORMATION DISCLOSURE CITATION

Atty Docket  
24702Serial No.  
09/889,348

Applicant

Wolfram STEINHILBER, et al.

Filing Date  
July 17, 2001

Group Art Unit

## U. S. PATENT DOCUMENTS

Examiner Initial		Document Number	Issue Date	Name	Class	Sub-Class	Filing Date
	AA	5,840,527	Nov. 24, 1998	Schilling, Jr. et al.			June 7, 1995
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

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## FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Sub-Class	Trans-lation
	AL	0 652 011	May 10, 1995	EP			N/A
	AM						
	AN						
	AO						
	AP						

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	Harrod, Kevin S., et al., "SP-A enhances viral clearance and inhibits inflammation after pulmonary adenoviral infection". <i>American Journal Physiology</i> , Vol. 277, No. 3 part 1, L580-L588, 1999.
AS	Hartshorn, Kevan L., et al., "Evidence for a Protective Role of Pulmonary Surfactant Protein D (SP-D) against Influenza A Viruses". <i>Journal of Clinical Investigation</i> , Vol. 94, No. 1, 311-319, 1994.
AT	LeVine, Ann Marie, et al., "Surfactant Protein-A-Deficient Mice Are Susceptible to <i>Pseudomonas aeruginosa</i> Infection". <i>American Journal of Respiratory Cell and Molecular Biology</i> , Vol. 19, No. 4 700-708, Oct. 1998.

Examiner

Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP § 609.  
 Draw line through citation if not in conformance and not considered.  
 Include copy of this form with next communication to Applicant.